

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
ACUMEN COMMUNICATIONS)	WTB Docket No. 17-17
)	FRN: 0016049017
Licensee of Various Authorizations in the Wireless)	
Radio Services)	Application File Nos. 0005614865,
)	0005834762, 0005839763, 0005840938,
Applicant for Modification of Various)	0005962267, 0006039610, and
Authorizations in the Wireless Radio Services)	0006823865.
)	
Applicant for Renewal of Authorization in the)	
Wireless Radio Services)	

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU'S REQUEST FOR STATUS CONFERENCE

1. The Enforcement Bureau (Bureau) respectfully requests a status conference for the Presiding Judge to address the question of whether this case should proceed because Acumen Communications (Acumen) failed to properly file a notice of appearance with the Federal Communications Commission in accordance with Section 312(c) of the Communications Act of 1934, as amended (the Act), and Sections 1.91(c) and 1.221 of the Commission's rules.¹

2. On January 10, 2017, the Federal Communications Commission's Wireless Telecommunications Bureau released an Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (HDO) directed to Acumen Communications (Acumen).²

¹ See 47 U.S.C. § 312(c) and 47 C.F.R. §§ 1.91(c) and 1.221.

² See Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (HDO), released Jan. 10, 2017 (DA 17-33).

The HDO commenced a hearing proceeding before the Administrative Law Judge to determine whether Acumen is qualified to be and to remain a Commission licensee, and as a consequence thereof, whether any or all of its licenses should be revoked, and whether any or all of the applications to which Acumen is a party should be denied. As more fully set forth in the HDO, there are substantial and material questions of fact as to whether Acumen repeatedly made misrepresentations to and lacked candor with the Commission in its submission of fifty applications in connection with various Wireless Radio Service authorizations.

3. Pursuant to Section 312(c) of the Act, and Sections 1.91(c) and 1.221 of the Commission's rules, the HDO directed all parties to file with the Commission within 20 calendar days of the release of the HDO a written document stating that it will appear at the hearing and present evidence on the issues specified in the HDO.³ On January 24, 2017, Rini O'Neil, PC filed with the Commission a Notice of Appearance in the above-captioned proceeding on behalf of third-party Mobile Relay Associates. This filing is reflected on the Commission's electronic comment filing system (ECFS) for this docket.

4. On January 30, 2017, counsel for the Bureau received an email from Harold Pick which contained a document entitled "Notice of Appearance" in which Hector Mosquera appears to enter a notice of appearance in this proceeding on behalf of Acumen.⁴ This document does not appear to have been filed with the Commission and does not appear to have been mailed to either the Commission or to counsel for the Bureau. It is not reflected on ECFS for this docket.

5. The Bureau waited to see if either Mr. Mosquera or Mr. Pick complied with the Commission's rules to file the notice of appearance on behalf of Acumen with the Commission –

³ See HDO at 18. See also 47 U.S.C. § 312(c) and 47 C.F.R. §§ 1.91(c) and 1.221.

⁴ See Email from Harold Pick to Pamela Kane and Michael Engel (and other individuals) dated January 30, 2017 at 5:39 pm, attached hereto as Exhibit A.

albeit beyond the 20-day deadline set forth in the HDO. It appears this was never done.

6. Nevertheless, the Bureau now brings this to the attention of the Presiding Judge. The Bureau respectfully requests a status conference to determine whether this case should proceed despite Acumen's failure to comply with the directives set forth in the HDO and in the Commission's rules to file a notice of appearance with the Commission.

Respectfully submitted,

Michael Carowitz
Acting Chief, Enforcement Bureau



Pamela S. Kane
Special Counsel
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

Michael Engel
Special Counsel
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
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(202) 418-7330

February 23, 2017

EXHIBIT A

Pamela Kane

From: Harold Pick <haroldpick@yahoo.com>
Sent: Monday, January 30, 2017 5:39 PM
To: Pamela Kane; Michael Engel; doug@caraenterprises.com
Cc: dkaufman@rinioneil.com
Subject: Acumen Communications Notice of Appearance
Attachments: FCC ACUMEN NOTICE OF APPEARANCE.odt

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Wireless radio services) 0006823865
Applicant for Modifications of Various)
Authorizations in the Wireless Radio)
Services Applicant for Renewal of)
Authorization In the Wireless Radio)
Services)

To: Administrative Law Judge

NOTICE OF APPEARANCE

Hector Mosquera hereby enters its Notice of Appearance in the above_captioned
Proceeding, On Behalf of Acumen Communications Inc (Acumen). Please Serve all Documents
and direct all correspondence in this matter to the undersigned on the behalf of Acumen
Respectfully submitted,

January 29, 2017 _____/s/_____
Hector Mosquera
Radiobuy1728@msn.com
310 999-3949
Acumen Communication Inc
10670 S La Cienega Blvd
Unit C
Inglewood CA 90304

(310) 670-8700

CERTIFICATE OF SERVICE

I Harold Pick hereby certify that I have caused a copy of the foregoing Notice of Appearance to be send via first class mail (postage prepaid) and or email as noted, to each of the following, on this date January 29, 2017

E- mail:

**Pamela S. Kane
Enforcement Bureau
Investigations & Hearings Division
pamela.kane@fcc.gov**

**Michael Engel
Enforcement Bureau
Investigations & Hearings Division
Michael.engel@fcc.gov**

**Doug Thompson
Cara Enterprises
dug@caraenterprises.com**

**David J. Koufman
Rini O Neil, PC
dkaufman@rinioneil.com**

_____/S/____

Harold Pick

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To: Administrative Law Judge

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Respectfully submitted,

January 29, 2017

_____/s/_____
Hector Mosquera
Radiobuy1728@msn.com
310 999-3949

Acumen Communication Inc
10670 S La Cienega Blvd
Unit C
Inglewood CA 90304
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E- mail:

**Pamela S. Kane
Enforcement Bureau
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pamela.kane@fcc.gov**

**Michael Engel
Enforcement Bureau
Investigations & Hearings Division
Michael.engel@fcc.gov**

**Doug Thompson
Cara Enterprises
dug@caraenterprises.com**

**David J. Koufman
Rini O Neil, PC
dkaufman@rinioneil.com**

_____/S/____

Harold Pick

CERTIFICATE OF SERVICE


Pamela S. Kane certifies that she has on this 23rd day of February, 2017, sent copies of the foregoing "ENFORCEMENT BUREAU'S REQUEST FOR STATUS CONFERENCE" via email to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

Rachel Funk
Office of the Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

David Kaufman
Rini O'Neil, PC
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Hector Mosquera
10670 S La Cienega Blvd
Unit C
Ingelwood, CA 90304


Pamela S. Kane